

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:19-cr-0076
)	
PEDRO RAMOS-GUERRA,)	
CARLOS ALBERTO CUEVAS-ALMONTE,)	
)	
Defendants.)	
)	

ORDER

BEFORE THE COURT is the motion of Carlos Alberto Cuevas-Almonte to dismiss the Indictment in this matter for violations of the Speedy Trial Act. (ECF No. 20.) Because the Government filed the Indictment in this case within thirty days of Cuevas-Almonte's arrest, the Court will deny the motion.

On October 24, 2019, the United States Coast Guard stopped a boat off the coast of Puerto Rico. The boat was manned by Pedro Ramos-Guerra ("Ramos-Guerra") and Carlos Alberto Cuevas-Almonte ("Cuevas-Almonte"). The Government alleges that the boat was carrying several kilograms of cocaine. The Coast Guard arrested Ramos-Guerra and Cuevas-Almonte and took them to St. Thomas, U.S. Virgin Islands.

On November 21, 2019, the Grand Jury returned an Indictment charging Ramos-Guerra and Cuevas-Almonte each with (1) one count of conspiracy to possess with intent to distribute a controlled substance while on board a vessel subject to the jurisdiction of the United States; (2) one count of possession of a controlled substance with intent to distribute while on board a vessel subject to the jurisdiction of the United States and Aiding and Abetting; and (3) one count of destroying property subject to forfeiture.

On November 29, 2019, Cuevas-Almonte moved to dismiss the Indictment for violations of the Speedy Trial Act. Cuevas-Almonte argues that, "[u]nder the Speedy Trial Act, the Government was required to charge the Defendant by information or indictment by November 24, 2019—30 days from the date of his arrest on October 25, 2019." ECF No. 20 at 2. Cuevas-Almonte asserts that, as of November 29, 2019, "the Government ha[d] filed

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neither an information nor an indictment," and "[a]s such, the relevant provisions of the Speedy Trial Act have, without question, been violated." *Id.* at 1-2.

The Speedy Trial Act provides that "[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges." 18 U.S.C. § 3161(b). If charges in a criminal complaint are not charged by indictment or information within this thirty-day period, those charges must be "dismissed or otherwise dropped." 18 U.S.C. § 3162(a)(1).

Here, Ramos-Guerra and Cuevas-Almonte were arrested on October 25, 2019. On November 21, 2019—less than 30 days later—the Government filed the Indictment charging Ramos-Guerra and Cuevas-Almonte with crimes related to their arrest. Thus, because the Indictment was filed within thirty days of the defendants' arrest, there is no violation of section 3161(b).

The premises considered, it is hereby

ORDERED that Cuevas-Almonte's motion to dismiss docketed at ECF Number 20 is **DENIED**.

Dated: September 4, 2020

/s/ Robert A. Molloy

ROBERT A. MOLLOY

District Judge